

KERN COUNTY HUMAN RELATIONS COMMISSION
Kern County Administrative Complex – Fifth Floor, Point Conference Room
1115 Truxtun Avenue, Bakersfield
Tuesday, October 14, 2014 at 5:30 PM
Monthly Meeting Minutes

Present: Michael Caves (mc), Brady Bernhart (bb) Marcus Mitchell (mm), Jewelle Scales (js), Walter Williams (ww), David Vivas (dv), Louis Medina (LM)

Absent: None

Others Present: Michael Goulart (mg) Equal Employment Opportunity Officer

Agenda Items: called to order at 5:34 PM

1. Flag salute: Commissioner Scales
2. Public Presentation: None
3. Approval of minutes: May 13, 2014, monthly meeting

Motion: to approve (js) 2nd: (bb) vote: four ayes, (js), (ww), (dv), (mm)

Abstains: (mc), (bb), (lm)

4. NEW BUSINESS:

a) Welcoming new Commissioners

(mg) We have three new Commissioners with us tonight. The first is Louis Medina.

(lm) I have lived in the Bakersfield area since about 2006 and I am currently employed by Community Action Partnership of Kern as an Analyst. I previously served for the Kern County Homeless Collaborative as the Homelessness Project Manager. I feel very passionate about non-profit work and think that it is very needed in our community. I think it is a privilege to serve with the rest of the Commission. Former Commissioner Banks encouraged me to apply about a year ago.

(mg) Next is Commissioner Michael Caves.

(mc) My name is Michael Caves. I have been here in the County for over seven years. I am a trial attorney for the County. Before coming here I worked with the Equal Justice Society when I was in law school.

(mg) Finally, we have Brady Bernhart.

(bb) I am glad to be here. I have been in Kern County for a couple of years now. Before moving here I spent most of my time as a City or County planner in Colorado, South Florida and Arizona. I am an Analyst at Community Action Partnership and I am looking forward to helping out the community and doing my mapping. One of the things that I am doing now is mapping social justice issues related to poverty and getting services to people who need it.

b) Presentation by Dorothy Weston.

Ms. Weston did not appear at the meeting.

(js) Dorothy Weston also came to the Friendship House Advisory Board meeting and talked about the use of force. On Oct. 20th the NAACP is having a community meeting at Peoples Community Church with the BPD to talk about the use of force. She has a brother that suffered from mental health issues and he was killed by the BPD.

She came to our Advisory Board because we are planning on doing a community meeting/teen program that teaches them how to interact with law enforcement.

(mm) I think that is important and that there are issues related to mental health that can lead to things in the community and this is something that we may want to get involved with in the future.

c) Report from Commissioner Scales regarding "School to Prison Pipeline"

(js) On October 9, at the Friendship House, Faith in Action, GBLA, and the Dolores Huerta Foundation partnered together to do a community forum called "stop the pushout of black and

brown students from the Kern High School District.” Attorneys spoke to the public about a lawsuit that has been brought against the KHSD regarding the issue. (Flyer with statistics was circulated).

Conversations included how the KHSD provides expulsion paperwork in English to Spanish speaking parents and that some parents may not understand the process.

(mm) Part of the issue is related to new funding. Each district had to develop accountability plans. When the KHSD put their plan together they spent the majority of \$2.4 Million in funds on law enforcement and \$900,000 on targeted programs. The lawsuit is asking the district to go back and change the plan to use more funds for targeted programs for at-risk students.

(lm) Is there data related to the teachers that do the suspending or expelling of the students? Is there a possible link to subconscious prejudice on the part of the teachers? This could signal the need for something like sensitivity training for the teachers and administrators.

(mm) Data does not have demographic information regarding administrators. One key is that most of the expulsions are discretionary rather than mandatory. The district has the right to have a hearing to discuss the discretionary expulsion and determine the appropriate level of discipline. Expulsions are also coded as involuntary transfers rather than expulsions but the end result is the same.

There may also be cultural issues related to how students interact with adults, i.e., looking down rather than looking at someone that is disciplining you can be considered a sign of disrespect

(mc) Does the disrespect factor in to the board’s decision to expel a student?

(mm) I think it is really about what the act was. What they’re trying to point out is that it’s all discretionary or subjective.

(js) They frequently use the term willful defiance in situations like speaking to the authority figure in a disrespectful manner. Besides the mandatory reasons for expulsions, we see issues

related to behavior being disruptive as the reason for the expulsion. The student is then removed from the classroom which ends up being removed from the school. One question is can you remove the disruption without removing the student? When you remove the student from the school they do not really have anything to do so that could open the door to being involved in crime or other issues.

(bb) Are there alternate educational pathways for students?

(mm) There are some alternative schools that have seen increased enrollment. What may be problematic about the schools is whether students receive the same level of education. I don't know if that is true or not, but that argument has been made.

(js) Alternative education is only supposed to be a Band-Aid. Kids are supposed to spend some time there until they learn what they need to get back in the traditional educational setting and mainstream back into a traditional school.

(mm) Other issues related to the socialization, sports, extra-curricular activities, that are not offered at an alternative school.

(mg) another part of the discussion concerns the effect that a suspension or expulsion will have on future endeavors i.e., joining the military, getting into the school of your choice, etc.

(bb) That seems like semantics because a student can dropout, get a GED and join the military.

(js) I used to think those records were sealed but I have been educated about the process and I know that isn't necessarily the case.

(mc) Are the statistics that we saw specific to discretionary expulsions?

(ww) The highest percentage of expulsions is discretionary. The number of mandatory expulsions is fairly low. About 75% of the expulsions were discretionary. Why are we doing something to kids when they make mistakes that will follow them for the rest of their lives? It's

like a person has a felony, what kind of a job can you get? Your options become extremely limited. It is sad to see that something like a suspension in high school is even considered when the courts are determining punishment and deciding if they will put some on death row.

When kids are making these mistakes before they are adults they should not matter later in life. Once you make a mistake as an adult then it should matter, but not the mistakes you make when you are a kid. What we are asking for is more pupil personnel services, more teachers' aides, and more time spent on reading and writing and getting kids caught up.

(mc) Even if the example you provided of the eye contact doesn't form the basis for why a student gets suspended or expelled, something like that can put them on the path of being disciplined.

My position is that it doesn't make sense to ignore expulsions because there is a critical distinction between adult offenders and students. We have a real opportunity with students, if we can identify those that are at risk, to intervene. We don't have that same opportunity to intervene once they are adults.

I agree with Commissioner Williams, if suspension is the go to remedy that sets these kids on a path to larger problems then we are letting an opportunity to intervene escape us.

(js) During the presentation one of the things that the speaker talked about is that they take the literacy rate during the third grade and use that as part of the formula to determine the number of prison beds that will be needed in the future. I agree, we have a real opportunity with the students before they go down that path.

(ww) We have also surveyed teachers to get their input. They tell us things like one of the big problems is when kids can't read. If the kid can't really get called on in class to read they are frustrated because they know they can't read. They show they are frustrated and that could lead

to a disciplinary issue. On the other hand, if the teacher knows they can't read then that student may just get ignored in class.

(mm) I saw a recent story on the news, this is while the discussions about the legal case regarding expulsions was going on. The lead story was about the district spending something to the tune of \$22,000 to buy assault style weapons for the district law enforcement personnel. The next day in print media I read a story about the lawsuit and the expulsion issue. I think we need to be more conscientious about the dollars we're spending and what they're going towards.

(lm) If you look at the number of children who can't read in third grade and project the number of prison beds you'll need years down the line, why not use the same information to beef up your local libraries or keep them open longer? What you want to do is teach them to read now. When you look at statistics, take the negative view and plan for the worst your planning becomes a self-fulfilling prophecy. That view seems warped.

(mm) One concept is to use restorative justice, which allows fellow students to become involved. I believe there will be students that will be subject to expulsion but a large number can be helped through intervention.

(js) As a Commissioner, the view I take always has to be balanced. We spent a lot of time talking about the expulsions, what about the children of color who are not having issues? What would the school environment look like for these children if the other students stayed in school? The response was that they are not asking teachers to ignore the disruptive students but to not remove them from the process entirely.

I also believe you have to put some responsibility on the parents, and there needs to be some mentoring because parents don't always have all the answers. You can take some of the Local Control Accountability Plan money and invested in these types of programs.

(mc) I think it follows that students who are left behind are the ones are going to be more likely to be disruptive because they're not following along in the classroom. At the same time, I agree with your thoughts about parents being responsible and putting some sort of onus on them. On the other hand, for society as a whole we still have a compelling interest in seeing all the students become productive members of the community, even those students who don't have parental support. For the students that don't have the parental support there is still a need for someone to fill that role.

(js) Commissioner Mitchell, do you see that we have any type of role as a commission, moving forward with this issue?

(mm) I think as a commission we have done most of what we can do. We can still continue to monitor the situation, provide support, and remain involved in the process. As the chair, I intend to continue to go to meetings and show support. But before I take any action other than just as Marcus Mitchell, in terms of representing the commission, I would bring the issue back here to the full commission for a vote.

OLD BUSINESS: Discussion of participation at upcoming events

6. COMMITTEE REPORTS:

Judicial and Legislative Committee – Commissioner Scales.

(js) I've been following A.B. 2035 which is a bill that talks about human trafficking. This bill was vetoed by the governor. What this bill would do would be to ask the Department of Social Services to create a task force that would help group homes, foster parents, and any other caretakers identify the signs and symptoms of human trafficking. Although this bill is vetoed we will be going back to Sacramento and the fight will continue.

The good news is that SB 1165, another human trafficking bill, was passed. This bill is important because it says that schools will teach about human trafficking during health education courses.

The last thing I had to report on is the Supreme Court did not take any action regarding the same-sex marriage issue. By refusing to take any action lower court rulings were left intact and as a result, the practice of same-sex marriage was legalized in 11 states. As of now there are approximately 30 states where same-sex marriage is legal.

(mm) I would like the commissioners to take a look at the list of committees before the next meeting and next month we can discuss the committees and commissioners can decide which committees they would like to join.

7. **STAFF REPORT**

(MG) This is just a follow-up regarding the ban the box movement. The County is no longer asking applicants for employment for permanent jobs about conviction history information until after that applicant's been through the testing process and has been placed on the eligible list. When an applicant is certified to a department for an interview they are asked to complete the conviction summary and take it with them to the interview. The County is in full compliance with this legal change that took effect July 1 of this year.

When an applicant is being considered for an extra help position they complete the conviction summary as part of the notice of employment packet. Again this is done after the applicant has been screened through the initial process and is determined qualified for the job.

8. **Commission Member Presentations or Announcements:**

(lm) The Gay and Lesbian Center in conjunction with local businesses has started having business networking mixers. These started this summer. The first one was hosted by Chevron and

the second by Aera energy. The mixers are called abOUT Kern. There is one tomorrow night at the Gay and Lesbian Center on 18th St. The website is glcenterbak.org

9. **Adjournment:** Motion: bb, 2nd: WW, Vote: Ayes. 7:15 p.m.